



Town of Stow  
**PLANNING BOARD**

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Senator James B. Eldridge  
State House  
Room 213-A  
Boston, MA 02133

Representative Kate Hogan  
State House  
Room 33  
Boston, MA 02133

Dear Senator Eldridge and Representative Hogan:

We are writing to voice concern about the proposed Land Use Partnership Act (LUPA) and Community Planning Act 2 (CPA-2).

The Stow Planning Board has spent a significant amount of time reviewing both documents and has grave concerns about both proposals, especially LUPA, as it diminishes home rule and creates two sets of legislature (Opt-in Communities and Opt-out Communities), and forces development whether or not a market demand exists. Furthermore, Stow is a community with private water and septic; this lack of infrastructure and the cost of installing such, could prevent the Town of Stow from becoming an Opt-in Community.

In addition to the following general comments we are also providing the attached document outlining our concerns relative to specific sections.

- LUPA appears to favor developers and removes local control of how development occurs in individual communities. It appears to be based on the concept that there are not enough jobs because there is not enough housing. It requires a housing production plan showing an increase in "as of right" (No Special Permit) housing by 5% per year, not including age restricted, bedroom restricted, or 40B developments. LUPA will increase local costs, will reduce local land use authority and significantly increase the build-out of communities.
- Both proposals encourage housing, but there was no effort to look at Chapter 40B. We are also concerned about a mandate to create housing with no regard to whether the market exists.
- Both proposals require a Master Plan, which would require considerable cost on the part of some communities. The Master Plan should be a forward looking document whereas Zoning Bylaws are a current document, if both are completely aligned the Master Plan would no longer function as the goals for the town, rather the status quo. In addition LUPA allows for impact fees only in accordance with and proportional to a Capital Improvement Plan, the requirements of which are substantial and would require additional staffing in smaller communities.

- Both proposals require Regional Planning Agency approval of Master Plans. We are concerned that the Regional Planning Agency may not always have the best interest of Stow in mind because of the diversity of each community in the region.
- Many of the benefits of LUPA only apply to communities who adopt a Master Plan that is certified by the Regional Planning Agency. This one-size-fits all approach is not feasible, as it would be impossible for small communities, such as Stow, with no infrastructure to receive certification. Those communities would not obtain priority for State infrastructure spending and grant programs or be able to implement all of the innovative zoning techniques; would not have the grandfather protection time reduced from 8 to 3 years and would not be allowed to have Rate of Growth Development bylaws on two acres or more single family residence zoning. LUPA also would nullify Site Plan Review Bylaws and be replaced with LUPA Site Plan Review provisions one year after LUPA is implemented. Local site plan review allows Towns to address context-specific project impacts and should be continued.
- LUPA will: change the ground rules for development review; eliminate local ability to require developers to provide off-site mitigation for housing and commercial projects; and reduce the review authority of communities over most development proposals. These changes could be detrimental to local government and abutters; may increase local costs; and greatly reduce local land use authority.

Although many of the provisions of CPA II are more reasonable for a small community such as Stow, we strongly urge you to oppose both of these proposals and urge you to work with communities to address concerns raised before moving forward with either proposal. If possible we would like the opportunity to meet with you to review our concerns of the items in the attached document.

Sincerely,

Stow Planning Board

Kathleen Willis  
Ernest Dodd  
Stephen Quinn  
Leonard Golder  
Lori Clark

Cc: Town of Stow Board of Selectmen  
Metropolitan Area Planning Council